



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

I, the below named inventor,  
I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **TRAFFIC DRIVEN SCHEDULING OF ACTIVE TESTS**, the specification of which

☐ is attached hereto.

☒ was filed on May 7, 2001 and assigned Application Serial Number 09/850,202.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications for patent or inventor's certificate, listed below and so identified, and I have also identified below any foreign application for patent or inventor's certificate on this invention filed by my or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

Number	Country	Day/Month/Year Filed	Priority Claimed - Yes or No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No.	Filing Date	Status

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States provisional application in the

manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior provisional application and the filing date of this application.

Provisional Application No.	Filing Date	Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to

Vincent K. Yip  
 McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP  
 Three Embarcadero Center, Suite 1800  
 San Francisco, California 94111  
 Telephone No. (415) 393-2000  
 Facsimile No. (415) 393-2286

Attorney	Registration No.	Attorney	Registration No.
David Beck	37,776	John W. Calkins	43,523
Patricia R. Coleman James	37,155	Terry Garnett	44,698
Carol M. Gruppi	37,341	Susan Hubl	47,668
David W. Maher	40,077	Christian Platt	46,998
Roger Sampson	44,314	Michael J. Shuster	41,310
William E. Thomson, Jr.	20,719	Michael E. Woods	33,466
Rajiv Yadav	43,999	Vincent K. Yip	42,245

Full name of sole or first joint inventor: Peter Phaal

Inventor's signature:



Date: 17 Oct 2001

Residence

1639 9<sup>th</sup> Avenue

Post Office Address:

San Francisco, CA 94122

Citizenship:

United Kingdom